

Alameda County: \$8.3 million jail death settlement mandates jail health care reforms

By Malaika Fraley

mfraley@bayareanewsgroup.com

POSTED: 02/10/2015 04:29:03 PM PST **0 COMMENTS** | UPDATED: 9 DAYS AGO

OAKLAND -- A record-breaking settlement over the death of an Oakland man who died after being beaten and Tased by Santa Rita Jail deputies requires better health care in Alameda County jails and is projected to set a higher standard of care in jails and prisons nationwide.

"Martin Harrison's legacy will be safer care for jail and prison inmates around the country," said Julia Sherwin of Haddad & Sherwin. "His family ... was committed to making sure that Martin's death was not in vain. They have succeeded completely."

The Alameda County Board of Supervisors on Tuesday agreed to -- along with its jail medical services provider Corizon Health, Inc. -- pay \$8.3 million to Martin Harrison's four adult children. The county in 2013 settled with Harrison's fifth and minor child for \$1 million in a separate lawsuit.

Attorneys for Corizon and Alameda County did not return calls for comment Tuesday.

Harrison, 50, died in August 2010 two days after he was beaten and Tased by 10 deputies at the Santa Rita Jail. His children's attorneys say Harrison was hallucinating from a severe form of alcohol withdrawal known as delirium tremens for which he should have been hospitalized, and he never fought back. He was in jail on a warrant for failing to appear in court in a DUI case after being arrested for jaywalking.

Corizon is one of the largest for-profit correctional health care providers in the country and holds a \$210 million contract to provide health care services in Alameda County's Santa Rita and Glenn Dyer jails. Under state law, the company is required to have registered nurses (RNs) assess inmates upon intake, but Harrison's medical screening was done by an unsupervised licensed vocational nurse (LVN), Sherwin said.

Advertisement

"If the deputies had been trained, and if Corizon had had an RN instead of an LVN do the intake medical assessment then we all would not be here today," Sherwin said at a news conference attended by Harrison's family. Corizon Health said that Harrison did not alert the LVN that he had a history of alcohol withdrawal, while the plaintiff's attorneys said that he did. "Even as Corizon Health has followed state laws that permit initial screenings by licensed health personnel or trained staff, our facilities have agreed moving forward to use only registered nurses to conduct the screenings -- a change that will only impact facilities in two counties -- as part of this settlement," Corizon Health and the Alameda County Sheriff's Department said in a prepared statement. "All of our other facilities were already doing so."

RNs are more trained than LVNs and are licensed to make treatment plans for patients whereas LVNs are not. Sherwin said Corizon falsely reported that RNs were doing intake screenings when it had the Alameda County jails accredited by the National Commission on Correctional Health Care.

Using RNs over lower paid LVNs are part of the planned reforms, as is health care training for correctional officers every two years, including recognizing symptoms of alcohol withdrawal.

The correctional health care reforms mandated in the settlement will be monitored for at least four years by federal Judge Jon S. Tiger and will apply to Corizon's contracts at jails in Santa Barbara, Fresno, and Tulare counties.

"When they comply with the law in California every other inmate in states where they have different contracts like Arizona or Alabama, New York or Michigan ... are also entitled to have nursing care that complies with the law ...," Sherwin said.

The \$8.3 million award is the largest civil rights wrongful death settlement in California's history, surpassing a \$5 million settlement awarded last year to the family of an unarmed man shot and killed by Los Angeles police, according to the plaintiffs' attorneys.

Harrison's children fought back tears at the news conference as one son described a "nice guy who cared a lot about his family.

"He made one mistake and it cost him his life," Martin Harrison Jr. said.

"We wanted what happened to our dad to have a bigger meaning and he's not just another person who lost his life in the system," Harrison's eldest daughter, Tiffany Harrison said.

Contact Malaika Fraley at 925-234-1684. Follow her at Twitter.com/malaikafraley.

| http://www.mercurynews.com/ci_27500343/alameda-county-8-3-million-jail-death-settlement?source=infinite